IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

W. P. NO. 3262/2004

PETITIONER : Son Chand Banjare
S/o Late Shiv Prasad Banjare aged about 54 years Occupation Deputy Collector R/o Civil Line Balod Dist. Durg (C.G.)

VERSUS

RESPONDENTS :
1. The State of C.G.
Through the Secretary of Department of General Administration D.K.S. Bhawan, Raipur (C.G.)
2. Collector Durg (C.G.)

WRIT PETITON UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF WRIT IN THE NATURE OF MANDAMUS CERTIORARI ETC OR ANY OTHER DIRCTIONS OR ORDER TO DO JUSTICE IN THE MATTER

(31)

HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P. No. 3262 of 2004

Petitioner — Son Chand Banjare

Versus

Respondents — The State of Chhattisgarh & another

SB: Hon'ble Mr. Justice **Satish K. Agnihotri, J**

Mr. Gouri Shankar Singh, Advocate for the petitioner.
Ms. Deepali Pandey, Panel lawyer for the respondents/State.

ORDER

(Passed on this 27th day of February, 2007)

The following order of the Court is passed by **Satish K. Agnihotri, J.**

1. In the present case, the transfer order dated 29th July, 2004 (P/1) is under challenged, but no interim relief was granted by this Court. The petitioner must have joined the transferred place. At this stage, after a lapse of more than two years, it is not necessary to examine the validity of the transfer order.
2. Be that as it may, with the passage of time this petition has become infructuous, as period of transfer is not applicable forever. At this point of time there is no question to examine the validity of the transfer order. However, the respondents are at liberty to pass appropriate orders keeping in view the public interest and administrative exigency, without insisting on compliance of the impugned transfer order.
3. It is well settled principle of law that transfer is an incidence of service and it is for the employer to decide as to where a particular officer/employee be posted keeping in view public interest as well as administrative exigency. This Court has limited jurisdiction to interfere with the transfer matter and this Court can interfere only in the case of proved malafide, non-competence of authority passing the transfer order and transfer order not being in conformity with the rules and regulations.
4. In view of the above, this petition stands disposed of. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

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